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Type of Instrument: JUDGMENT OF FORECLOS

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Recorded: 1/8/2019

Index Number: 14 68618 Sequence Number: 134

Plaintiff(s) :

NATIONSTAR HECM ACQUISITION TRUST 2016-1

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Defendant(s) :

STIDELL, KENNETH, ESQ., AS TEMP. ADMIN. TO THE E/O PAULINE WOLL

Attorney(s) :

TAX_MAP_NO:

Liber Page(s):
M00021786-402

ADDITIONAL INFORMATION EXISTS PLEASE SEE DOCUMENT
THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

Judith A. Pascale
County Clerk, Suffolk County

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ORIGINAL

At an IAS Part 33 of the Supreme Court of the State of New York, held in and for the County of Suffolk at the Courthouse thereof, Supreme Court Building, 1 Court Street, Riverhead, New York on the 13 day of December, 2018.

PRESENT: HON. THOMAS F. WHELAN

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Hon.

Mot. Seq. # 003 - MG
Case Disposed: Yes

SUPREME COURT THE STATE OF NEW YORK:
COUNTY OF SUFFOLK

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ENTERED: ~~JAN 08 2019~~
AT: 10:41am JAN 08 2019

----------X

NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY

Plaintiff

-against-

KENNETH SEIDELL, ESQ. AS TEMPORARY ADMINISTRATOR TO THE ESTATE OF PAULINE WOLL

Defendant.

----------X

Index No: 068610/2014

DEFAULT JUDGMENT AND JUDGMENT OF FORECLOSURE AND SALE FOR VACANT AND ABANDONED PROPERTY

MORTGAGED PREMISES:
18 CEDARWOOD DRIVE
HUNTINGTON STATION, NY 11746

D SBL #: 0400 -
139.00 - 01.00 - 087.00

No Direct Ive

UPON the summons and complaint and notice of pendency of action duly filed in this action on October 16, 2014 and upon reading and filing the affidavit of regularity of Deana Cheli sworn to on October 26, 2018, demonstrating that a 90-day notice was not required to be sent to Defendants pursuant to and in compliance with RPAPL §1304; that the Summons and Complaint was prepared in compliance with RPAPL §1320; that the defendants were duly served with the summons and complaint in compliance with CPLR 308, CPLR §311, BCL §306, BCL §307, and 28 USC §2410, together with the Notice required by RPAPL §1303(a); that the mortgagors were

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served with additional notice of the Summons in compliance with CPLR §3215(g)(3); and that plaintiff has complied with the requirements of CPLR §3408; from which it appears that this action was brought to foreclose a mortgage on certain real property situated in the County of Suffolk and State of New York, more commonly known as 18 Cedarwood Drive, Huntington Station, New York 11746, designated as District 0400, Section 139.00, Block 01.00, Lot 087.00 which property has been deemed vacant and abandoned residential property pursuant to Real Property Actions and Proceedings Law Section 1309. Upon determination of same, the court, pursuant to RPAPL §1321, will ascertain and determine the amounts due and whether the premises shall be sold in parcels,

NOW, on motion of McCabe, Weisberg & Conway, LLC, attorneys for the plaintiff, it is

ORDERED, ADJUDGED AND DECREED, that having considered the application for judgment, the court has ascertained and determined that upon said exhibits, the amount due to Plaintiff on the note is $290,864.96 together with interest, late charges, and escrow deficiency through and including October 30, 2018, resulting in a judgment against the estate of Pauline Woll in the amount of $672,868.21, with contractual interest at the rate of 5.56% resulting in a per diem rate of $102.50 until entry of this order, and the statutory rate thereafter; and

It is hereby **ORDERED, ADJUDGED AND DECREED**, that the application is hereby granted without opposition; and it is further

ORDERED, ADJUDGED AND DECREED, that property shall be sold pursuant to RPAPL §1351, a deed be issued in accordance with RPAPL §1353 (1) and that the sale proceeds be distributed in accordance with RPAPL §1354; and it is further

ORDERED, ADJUDGED AND DECREED, that the plaintiff shall accept the proceeds of the sale in satisfaction of the mortgage debt and that plaintiff shall not seek a deficiency

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judgment pursuant to RPAPL §1371; and it is further

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ORDERED, ADJUDGED AND DECREED, that the mortgaged premises is to be sold in one parcel at public auction to be held at _____ and sold to the highest bidder as authorized under §231(1) of the RPAPL, by Downs Englund, Fiduciary Number _____, who is hereby appointed Referee to effectuate the sale of the mortgaged premises; that public notice of the time and place of the sale be made by the Referee in compliance with §231(2)(a) of the RPAPL and the practice of this Court, and published in _____; and it is further

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HUNTINGTON TOWN HALL
100 MAIN STREET
HUNTINGTON, NY 11743

ORDERED, ADJUDGED AND DECREED, that the premises be sold in "as is" condition defined as the condition the premises are in as of the date of sale and continuing through the date of closing, and that said sale shall be subject to:

(a) Rights of the public and others in and to any part of the mortgaged premises that lies within the bounds of any street, alley, or highway; restrictions and easements of record;

(b) Any state of facts that an accurate, currently dated survey might disclose;

(c) Rights of tenants, occupants or squatters, if any. It shall be the responsibility of the Purchaser to evict or remove any parties in possession of premises being foreclosed. There shall be no pro-rata adjustment in favor of the purchaser for any rents that are paid for a period after the date of the foreclosure sale.

(d) The right of redemption of the United States of America, if any; and it is further

ORDERED, ADJUDGED AND DECREED, in accordance with §1353 (1) of the RPAPL that the Plaintiff or any other parties to this action may become the purchaser or purchasers at such sale; and it is further

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ORDERED, that the Notice of Pendency that is being filed simultaneously herewith be filed nunc pro tunc back to the date of expiration of the prior notice of pendency on October 16, 2017; and it is further

ORDERED, ADJUDGED AND DECREED, that the Referee at the time of sale may accept a written bid from the Plaintiff or the Plaintiff's attorneys, just as though the Plaintiff were physically present to submit said bid; and it is further

ORDERED, ADJUDGED AND DECREED, that the terms of sale, to the extent they do not contradict this judgment or violate any law, shall be binding in all respects on the purchaser; and it is further

ORDERED, ADJUDGED AND DECREED, that after sale the Referee shall deposit, in his/her name as Referee, the initial bid deposit in Fidelity Bank, a bank or trust company authorized to transact business in New York. This account shall be used solely to complete the closing of the sale and payment of the items referenced herein as needed; and it is further

ORDERED, ADJUDGED AND DECREED, that in accordance with §1351(1) of the RPAPL, upon payment of the purchase price the Referee execute a deed to the purchaser; and it is further

ORDERED, ADJUDGED AND DECREED, that in accordance with §1354 of the RPAPL, upon payment of the purchase price the Referee is directed to make the following payments or allowance from the sale proceeds to the plaintiff,

FIRST: Payment pursuant to CPLR §8003(b), to the Referee of Seven Hundred and Fifty Dollars ($750.00) which represents the statutory fees for his/her conducting the sale of the subject property.

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SECOND: Payment by the Referee for the costs of advertising or posting as listed on bills submitted to and certified by the Referee to be correct.

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THIRD: Payment, in accordance with §1354(1) of the RPAPL, by the Referee to the Plaintiff or its attorneys of the following: amount due Plaintiff; costs and disbursements; attorney fees and an additional allowance, if awarded.

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Amount Due Plaintiff. $ 6 12, 868.21, together with interest at the note rate until the date of entry of this judgment, and thereafter at the statutory rate until the date of transfer of the Referee's Deed.

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Costs and Disbursements. $ 1839.00 adjudged to the Plaintiff for costs and disbursements in the action, which will be taxed by the County Clerk and inserted herein, with interest at the judgment rate thereon from the date of entry hereof.

Attorneys Fees. $ 1470.00 is hereby awarded to the Plaintiff as reasonable legal fees herein, with legal interest from the date of entry of judgment hereof.

Additional Allowance. $ 300.00 is hereby awarded to the Plaintiff in addition to costs with interest at the judgment rate from the date of entry hereof as per CPLR §8303 (a) (1).

FOURTH: Payment, in accordance with § 1354(2) of the RPAPL, of all taxes, assessments and water rates that are liens upon the property and redeem the property from any sales for unpaid taxes, assessments, or water rates that have not apparently become absolute with such interest or penalties which may lawfully have accrued thereon to the day of payment.

ORDERED, ADJUDGED AND DECREED, that plaintiff, may, after entry of this judgment, make all necessary advances for inspections and maintenance of the property, taxes, insurance premiums or other advances necessary to preserve the property, whether or not said advances were made prior to or after entry of judgment, so long as said advances are not

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included in the amount due plaintiff awarded herein, and that the Referee be provided with receipts for said expenditures, which amounts together with interest thereon at the note rate from the date of the expense until the date of entry of this Judgment, then with interest at the judgment rate until the date of transfer of the Referee's Deed shall be included in the amount due Plaintiff; and it is further

ORDERED, ADJUDGED AND DECREED, that if the Plaintiff is the purchaser at sale, the Referee shall not require the Plaintiff to pay either a deposit or the bid amount, but shall execute and deliver to the Plaintiff a Deed of the premises sold upon the payment of the statutory fees of Seven Hundred and Fifty Dollars ($750.00) for conducting the sale of the subject property. Plaintiff shall provide the Referee with proof of the amounts paid for taxes, assessments and water rates upon recording of the deed. The balance of the bid amount shall be applied to the amounts due to the Plaintiff as specified herein and that if after applying the balance of the bid amount there is a surplus, Plaintiff shall pay it to the Referee, who shall deposit the funds; and it is further

ORDERED, ADJUDGED AND DECREED, that in accordance with RPAPL §1354(4), the Referee submit proof of deposit of any surplus monies with the County ~~Treasurer~~ Comptroller, with the Supreme Court Calendar Clerk and the Suffolk County Clerk within five (5) days of the date of closing of title; that this amount shall be withdrawn only upon the order of the court, signed by a Justice of this Court;

ORDERED, ADJUDGED AND DECREED, that the referee complete and file the Foreclosure Action Surplus Monies form with the Supreme Court Calendar Clerk and the Suffolk County Clerk within Thirty (30) days of the foreclosure sale; and it is further

ORDERED, ADJUDGED AND DECREED, the Referee make a report of sale in

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accordance with §1355 (1) of the RPAPL, showing the disposition of the sale proceeds accompanied by the receipts for payments made and file it with the Clerk of the Court within thirty (30) days of completing the sale; and it is further

ORDERED, ADJUDGED AND DECREED, that the proceeds of such sale, regardless of amount, shall be deemed to be in full satisfaction of the mortgage debt as authorized by § 1371 (3) (4) of the RPAPL, and it is further

ORDERED, ADJUDGED AND DECREED, that the transfer tax is not a lien upon the property or an expense of sale, but rather an expense of recording the deed. All expenses of recording the Referee's Deed shall be paid by the purchaser and not the Referee from sale proceeds. Purchaser shall be responsible for interest accruing on real property taxes after the date of the foreclosure sale; and it is further

ORDERED, ADJUDGED AND DECREED, that the purchaser or purchasers at such sale be let into possession on producing the Referee's Deed; and it is further

ORDERED, ADJUDGED AND DECREED, that each and all of the Defendants in this action and all persons claiming under them, or any or either of them, after the filing of such Notice of Pendency of this action, be and they hereby are, barred and foreclosed of all right, claim, lien, title, interest and equity of redemption in the said mortgaged premises and each and every part thereof; and it is further

ORDERED, ADJUDGED AND DECREED, that the liens of the Plaintiff other than the mortgage or mortgages that are the subject matter of this action are also foreclosed herein as though the Plaintiff was named as a party Defendant, specifically reserving to the Plaintiff its right to share in any surplus monies as a result of such position as a lien creditor; and it is further

ORDERED, ADJUDGED AND DECREED, that by accepting this appointment, the

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Referee certifies that he/she is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR, Part 36), including, but not limited to, §36.2(c) ("Disqualification from appointment") and §36.2(d) ("Limitations on appointments based upon compensation") and if the Referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the Referee shall notify the Appointing Judge forthwith; and no fee shall be paid to such appointee until said appointee has filed all necessary OCA forms with the Court; and it is further

ORDERED, ADJUDGED AND DECREED, that pursuant to CPLR 8003(b), absent application to the court or further court order and proof of compliance with 22 NYCRR Part 36, the Referee shall not demand, accept or receive more that the statutory amount of Seven Hundred and Fifty Dollars ($750.00) otherwise payable to the Referee for the foreclosure sale stage, regardless of adjournment, delay or stay of the sale; and it is further

ORDERED, ADJUDGED AND DECREED, that the Referee is prohibited from accepting or retaining any funds for him/herself or paying funds to him/herself without compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further

ORDERED, ADUJUDGED and DECREED that NATIONSTAR HECM ACQUISITION TRUST 2016-1, WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT INDIVIDUALLY, BUT SOLELY AS TRUSTEE, be substituted as a Plaintiff party, all of the foregoing without prejudice to any of the proceedings heretofore had herein or to be had herein and the caption hereinafter to read as follows:

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SOLUTIONSTAR
760 Highway 121 Bypass – Suite 100, Lewisville TX 75067 PH: 877-775-3603
http://solutionstar.com/title-and-valuation-services/

Title No.: WTA-14-022910

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SCHEDULE A
DESCRIPTION OF MORTGAGED PREMISES

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ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Huntington, County of Suffolk and State of New York as shown on a certain map entitled, "Map of Bergen Park," and filed in the Office of the Clerk of the County of Suffolk on June 4, 1908 as Map No. 265, known and designated as Part of Lot No. 86, said part of lot being bounded and described as follows:

BEGINNING at a point on the easterly side of Cedarwood Drive (Cedar Drive) distant 610.38 feet northerly from the northerly end of a curve connecting the easterly side of Cedarwood Drive with the northerly side of Pearwood Drive (Oakwood Drive);

RUNNING THENCE in a northerly direction along the easterly side of Cedarwood Drive, along the arc of a curve bearing to the right and having a radius of 468.74 feet, a length of 63.44 feet to the division line between Lots 85 and 86;

THENCE along said division line, North 69 degrees 58 minutes 50 seconds East, 108.77 feet;

THENCE South 8 degrees 41 minutes 10 seconds East, 57.91 feet;

THENCE South 68 degrees 53 minutes 08 seconds West, 120.38 feet to the easterly side of Cedarwood Drive and the point or place of BEGINNING.

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SUPREME COURT OF THE STATE OF NEW YORK:
COUNTY OF SUFFOLK

----------X

NATIONSTAR HECM ACQUISITION TRUST 2016-1, WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT INDIVIDUALLY, BUT SOLELY AS TRUSTEE

Index No: 068610/2014

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Plaintiff

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-against-

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KENNETH SEIDELL, ESQ AS TEMPORARY ADMINISTRATOR TO THE ESTATE OF PAULINE WOLL

Defendant.

----------X

ORDERED, ADJUDGED AND DECREED, that plaintiff shall serve the notice of the foreclosure sale and any adjournments upon the Supreme Court Calendar Clerk; and it is further

ORDERED, ADJUDGED, that the Referee appointed herein and any party entitled to service be served with a signed copy of the Judgment of Foreclosure and Sale with Notice of Entry.

GRANTED

DEC 13 2018

JUDITH A. PASCALE
CLERK OF SUFFOLK COUNTY

Dated: _____
Riverhead, New York

ENTER

_____
JUSTICE OF THE SUPREME COURT

HON. THOMAS F. WHELAN

Judith A. Pascale

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2019 JAN 18 AM 10:41
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CLERK OF COURT
NORFOLK COUNTY

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SUPREME COURT THE STATE OF NEW YORK:
COUNTY OF SUFFOLK

----------X

NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY,

Index No: 068610/2014

Plaintiff.

COSTS OF PLAINTIFF

-against-

KENNETH SEIDELL, ESQ. AS TEMPORARY ADMINISTRATOR TO THE ESTATE OF PAULINE WOLL

Defendant.

----------X

COSTS		DISBURSEMENTS	
Costs before note of issue	$200.00	Fee for Index Number *CPLR §8018(a)*	$480.00
S&C, LP Fee		*Clerk's fee for filing notice of pend. or*	
CPLR §8201 subd.1		*attach*	
Allowance by statute		*CPLR §8018(e) §8021(A)12*	
CPLR §8302(a)(b)			
Title Fee)			
Percentage on $200.00 at 10%	$20.00	*Paid for Searches CPLR §8301(a)10*	$425.00
(not exceeding $200.00)			
Svc Fee)	$40.00	*Serving copy of summons & complaint*	$349.00
Additional $800.00 at 5%		*CPLR §8011(c)1 §8.301(d)*	
(not exceeding $800.00)			
Additional $2000.00 at 2%	$40.00	Request for Judicial Intervention	$95.00
Ref Fee)			
(Not exceeding $2000.00)			
Additional $5000.00 at 1%	$50.00	Motion Costs	$90.00
(not exceeding $5,000.00)	$50.00		
			$1,439.00
COSTS	$400.00		
Total)			
DISBURSEMENTS	$1,439.00		
TOTAL	$1,839.00		

COST TAXED AT $ 1839.00
TIME _____ DAY OF _____

JAN - 8 2019

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CLERK OF SUFFOLK COUNTY

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